

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS ENCALADA, *individually and on behalf of others similarly situated*, JUAN PABLO ENCALADA FLORES, *individually and on behalf of others similarly situated*, LUIS CHIMBAY,

Plaintiffs,

-against-

SENATOR CONSTRUCTION CORPORATION, *d/b/a Senator Construction Group, Inc.*, SENATOR CONSTRUCTION GROUP INC., *d/b/a Senator Construction Group, Inc.*, HAROON CONTRACTING GROUP INC., *d/b/a Senator Construction Group, Inc.*, USMAN MUHAMMAD, ATIF RAFIQ, *a/k/a ATIQ REHMAN*,

Defendants.

OPINION AND ORDER

18 Civ. 03727 (ER) (RWL)

Ramos, D.J.:

Plaintiffs bring this action against their former employer for violations of the Federal Labor Standards Act and New York Labor Law. Doc. 1. On April 26, 2019, the parties submitted a motion for settlement. Doc. 35. On April 29, 2019, Magistrate Judge Robert W. Lehrburger issued a Report and Recommendation (“Report”), recommending approval of the proposed settlement. No objections were subsequently filed.

I. Standard of Review

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the

report and recommendation “[w]ithin 14 days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also DeLeon v. Strack*, 234 F.3d 84, 87 (2d Cir. 2000) (citing *United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997)). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. Discussion


The Court has carefully reviewed Judge Lehrburger’s thorough and well-reasoned Report and finds no error, clear or otherwise. Accordingly, the Court adopts the Report in its entirety. The parties’ settlement agreement is APPROVED.

The parties’ failure to file written objections precludes appellate review of this decision. *See PSG Poker, LLC v. DeRosa–Grund*, No. 06 CIV. 1104(DLC), 2008 WL 3852051, at *3 (S.D.N.Y. Aug. 15, 2008) (citing *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)).

The Clerk of Court is respectfully directed to terminate the motion, Doc. 35, and to close the case.

It is SO ORDERED.

Dated: May 20, 2019
New York, New York



Edgardo Ramos, U.S.D.J.